

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 16-10090-IT
EDMOND P. LAFRANCE,)	
)	
Defendant)	
)	
)	
)	

ORDER ON MOTION TO CONTINUE AND EXCLUDING TIME

August 22, 2016

Hennessy, M.J.

The United States and Defendant LaFrance jointly move to continue the Final Status Conference, currently scheduled for August 24, 2016, for three to four weeks, and to exclude the period of the continuance from the time in which trial of the instant matter must commence. As reasons therefor, they report that all discovery has been produced and Defendant needs a continuance to evaluate discovery and determine whether to file motions and otherwise address Local Rule 116.5(c) matters. The parties also note that counsel to the United States is unavailable for a medical reason.

The motion to continue is GRANTED. A Final Status Conference will be held on September 12, 2016 at 2:00 p.m. The United States has reported that the discovery in this case is fairly voluminous, involving allegations of fraud committed over a three-year period. Moreover,

at the end of June 2016, the grand jury returned a superseding indictment which added a money laundering charge. Given these circumstances, the failure to grant the motion to continue would deny Defendant the reasonable time necessary for effective preparation, taking into account the exercise of reasonable diligence.

For these same reasons, I grant the motion to exclude the period of the continuance. I exclude this time pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A) because I find that the ends of justice served by taking such action outweigh the best interest of the public and Defendant in a speedy trial. Specifically, I find that Defendant will need this to review discovery and, on that basis, determine the need for discovery requests and pretrial motions, on which matters Defendant shall report at the Final Status Conference. I further find that to not grant such a continuance would deny both the United States and Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.¹

A Final Status Conference will take place in this case on Monday, September 12, 2016 at 2:00 p.m., in Courtroom #1, Fifth Floor, Donohue Federal Building, 595 Main Street, Worcester, Massachusetts. Counsel are required to attend, but are invited to do so by telephone if that is more

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate's order and set aside any position thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Keating v. Secretary of Health & Human Servs., 848 F.2d 271 (1st Cir. 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); United States v. Vega, 678 F.2d 376, 378-79 (1st Cir. 1982); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); see also Thomas v. Arn, 474 U.S. 140 (1985).

convenient. If any counsel wishes to appear by telephone, he is to contact Lisa Belpedio before the conference and provide her with a landline telephone number at which counsel can be reached. The parties should be ready to address Local Rule 116.5(c). The court expects to transfer the case to Judge Talwani following the Final Status Conference.

/s/ David H. Hennessy

David H. Hennessy

United States Magistrate Judge